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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,740	11/20/2000	Peter Worthington Hamilton	5922R2C3	8924

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,740

Applicant(s)

HAMILTON ET AL.

Examiner

Victor S. Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 18, 38-50-52, 54, 55, 75, 80, 81, 86-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 18, 38-50-52, 54, 55, 75, 80, 81, 86-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 9/12/2005. Applicants' amendments to claims 38 and 86, and cancellation of claims 16 and 53 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn. In particular, Applicant's amendments, while overcoming the art rejections set forth in the last Office action, an additional search is required, and it yielded a new reference. The new reference is found to render obvious the instant claimed invention. Applicant's comments regarding the prior art are moot in view of the new grounds of rejection.

Rejections Based on Prior Art

4. Claims 1-11, 13-15, 17,18, 38-48, 50-52, 54, 55, 75, 80, 81, 86-91 and 93-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbur (US 2338749) in view of Sanders (US 5344693), and further in view of the admitted prior art.

First, it is noted that independent claims 38 and 86 have been amended to recite, *inter alia*, "... a plurality of three dimensional non-adherent protrusions extending outwardly from said sheet of material and a pressure-sensitive adhesive surrounding

Art Unit: 1771

said non-adherent protrusions, said adhesive having a thickness less than height of said non-adherent protrusions before activation ...”.

Second, for the purpose of clarification, the Examiner repeats the relied upon prior art as follows: Wilbur's invention relates to wrappers of flexible paper or other equivalent sheet material (column 1, lines 1-3). Wilbur teaches that the invention can be embodied in a label, wrapper, envelope or other article of flexible sheet material intended for other uses (page 1, column 2, lines 34-37). Fig. 7 shows that an embodiment in which a multiplicity of pin punctures 16 each of which is surrounded by an outstanding tubular burr 17, and surrounded by a coating of permanently sticky or tacky adhesive 18. The outstanding burrs 17 serve as means for normally shielding the adhesive coating against accidental contact with other objects. When end portions are overlapped and pressed together, the burrs or bosses 17 are collapsed, the ends are united by the adhesive (page 2, column 1, line 48 to column 2, line 8).

For independent claims 17, 38, 53 and 86, it is noted that Wilbur lacks a teaching that the flexible sheet material is non-porous sheet material having a gauge in the range of about 0.0001 to 0.002 inches, and also lacks an express teaching about the wrapper's physical properties (conformable with a small resiliency). However, it is noted that Sanders' invention is directed to a spacing means which is capable of maintaining separation of a surface carrying an adhesive and an adjacent surface until it is required that the two surfaces shall unite one with another by the adhesive (column 1, lines 10-13), for a web of material (column 1, lines 60-62). In Fig. 4, Sanders clearly shows an embodiment of non-adherent protrusions being surrounded by adhesive as claimed

Art Unit: 1771

(column 2, lines 16-18). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art to modify Wilbur's wrapper with Sander's non-adherent protrusions, motivated by the desire to obtain a non-porous wrapper for fully wrapped (sealed) applications. As to the wrapper's thickness and physical properties (conformable and low resiliency), it is noted that Appellants have admitted that it is known art that sheet materials with clinging character (i.e., cling film) can be used to form a closure for a container (i.e., conformable) (specification, page 1, lines 18-26). As such, in the absence of unexpected results, it is the Examiner's position that it would have been obvious to one of ordinary skill in the art of wrapper to modify Wilbur's wrapper with a suitable thickness and by selecting a known sheet material of physical properties, as admitted by Appellants, motivated by the desire to obtain a conformable wrapper for fully wrapped (sealed) applications.

For dependent claims 1, 11, 48, 75, 80-81, 91, 93, 95-96 and 101, Appellants have admitted that it is known art that a suitable wrap sheet materials (e.g., a cling film) can be used to form a closure for a container, as set forth above.

For dependent claims 2-10, 39-47, 87-90, 94 and 97-100, both Wilbur and Sanders teach that the bonding is activated by pressing, as set forth above. Regarding the instantly claimed methods of use (i.e., direction of the pressure in relative to the sheet material, the amount of pressure, the adhesion peel force, and the selective activation of adhesion in discrete regions), the Examiner notes that these elements are not given any patentable weight patentable weight, because these methods of use fail to structurally distinguish the instant invention from the prior art.

For claims 13 and 50, Wilbur expressly teaches that the adhesive is permanently sticky or tacky, as set forth above.

For claims 14-15 and 51-52, Appellants admitted that polymeric materials such as PVC, PVDC and PE are commonly used to form a cling film (specification, page 1, 4th paragraph), and they are well known to be substantially translucent or transparent non-tacky film materials.

For claims 18 and 55, since Wilbur in view of Sanders is directed to the same adhesive wrapper film as the instant invention, and the utility as such dictates there would be similar adhesive thickness, it is the Examiner's position that a suitable thickness is an obvious optimization to one skilled in the art of adhesive wrapper films. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

5. Claims 12, 49, 92 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbur (US 2338749) in view of the admitted prior art, and further in view of Sanders (US 5344693) and Kovac (US 3819467).

The teachings of Wilbur, Sanders and Appellants' admission are again relied upon as set forth above.

For claims 12, 49, 92 and 102, Wilbur lacks a teaching of coating adhesive on both sides of the sheet material. However, it is noted Kovac's invention teaches a double faced tape which seals to the inside of a wrapped frame (column 4, lines 4-9). As such, in the absence of unexpected results, it would have been obvious to one of

Art Unit: 1771

ordinary skill in the art to modify the teachings of Wilbur in view of Sanders by coating adhesives on both sides of the wrapper, motivated by the desire to obtain a good seal around a wrapped container without loose film hanging away from the side of the container.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S. Chang
Examiner
Art Unit 1771

9/28/2005